

Applicant : Jeffrey H. Michael, et al.
Serial No. : 09/058,496
Filed : April 10, 1998
Page : 9 of 12

Attorney's Agent No.: 07844-273001 / P247

REMARKS

In reply to the Final Office Action of January 14, 2004, the applicant submits the following remarks. Claims 1, 3, 5-7, 9, 12-13, 15, 21-22, 24, 28-29, 35-38 and 42-44 have been amended. Claims 45-46 are cancelled. Claims 1-9, 12-13, 15-16, 20-22, 24-25 and 28-44 are now pending after entry of this amendment. The applicant respectfully requests reconsideration in view of the foregoing amendments and these remarks.

Section 103 Rejections

Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36 and 42-43

Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36 and 42-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mapedit Imagemap Editing Software (Mapedit) in view of U.S. Patent No. 6,034,689 (White). The applicant respectfully disagrees.

Amended claim 1 recites a method including receiving an input selecting a layer from a plurality of layers. Each layer includes image data and the selected layer includes opacity data. The opacity data is used to identify non-transparent regions in the image data of the selected layer. A perimeter boundary is calculated from the non-transparent regions. The boundary is used to define an area. Mapedit fails to disclose the limitations of claim 1.

Neither Mapedit nor White, alone or in combination, teach or disclose multiple layers having image data, at least one of which, the selected layer, having opacity data. Layers can be thought of as stacked sheets of acetate with relative positions above and below one another (Specification, page 4, lines 18-24). The density of ink on each acetate sheet can be represented as the opacity or alpha value (*id.*). Thus, the opacity data of a given layer prescribes whether and how much of a layer below the given layer appears in a final composited image. Mapedit describes drawing polygons over an image to create a hotspot (Figure 10, paragraph 1). The user subsequently can edit the hotspot by selecting a color for the hotspot (Figure 11, paragraph 1). However, Mapedit does not disclose or suggest selecting an opacity for the hotspot, or that there is opacity data associated with either the image or the hotspot.

Applicant : Jeffrey H. Michalek, et al.
Serial No. : 09/058,496
Filed : April 10, 1998
Page : 10 of 12

Attorney's Packet No.: 07844-273001 / P247

Second, neither Mapedit nor White, alone or in combination, disclose using opacity data to identify one or more non-transparent regions, as required by claim 1. The Mapedit user draws polygons that define the borders of the hotspots.

Third, neither Mapedit nor White, alone or in combination, disclose calculating a perimeter boundary from one or more non-transparent regions (which were identified using opacity data), as required by the claim.

Accordingly, claim 1, dependent claims 2-4, 12, 13, 29 and 35-36, and corresponding computer program claims 5, 7-9, 20-22, 30 and 42-43 are allowable.

Claims 3 and 7

Amended claim 3 depends from claim 1 and recites a method where the layers include compositing controls. Layers are combined to build a final image. Claim 3 is allowable over Mapedit in view of White for at least the following additional reasons.

First, Mapedit in view of White does not disclose layers including compositing controls, as required by claim 3.

Mapedit in view of White does not disclose compositing the layers of an image by combining the plurality of layers to build a final image, as required by claim 3. The Examiner asserts that Mapedit teaches the compositing of images. Compositing is a process of combining multiple images into a single image (Specification, page 4; Edinburgh Online Graphics Dictionary, <http://homepages.inf.ed.ac.uk/rbf/GRDICT/grdict.htm>). What Mapedit teaches is drawing a polygon on top of an image. Mapedit does not teach or disclose combining layers to build a final image.

Claims 15-16 and 24-25

Claims 15-16 and 24-25 are also rejected under U.S.C. 103(a) as being unpatentable over Mapedit in view of White and U.S. Patent No. 5,991,781 ("Nielsen"). The applicant respectfully disagrees.

Applicant : Jeffrey H. Michalek, et al.
Serial No. : 09/058,496
Filed : April 10, 1998
Page : 11 of 12

Attorney's Packet No.: 07844-273001 / P247

Claim 15 recites a method and depends from claim 1. The claim further recites that the image data has two or more non-contiguous non-transparent regions that are used to calculate the perimeter boundary. That is, the hotspot includes the non-contiguous non-transparent regions in combination. Claim 16 recites a method that further comprises a step of generating multiple image maps from the non-transparent regions. Claims 24 and 25 are corresponding computer program claims.

The applicant respectfully submits the Examiner has misconstrued Nielsen as disclosing the elements of claim 15. Nielsen discloses having more than one contiguous region and having a different action associated with each contiguous region.

Mapedit, White and Nielson fail to disclose the elements of claim 15. Claim 16 depends from claim 15 and claims 24-25 are corresponding computer program claims to claims 15 and 16 and are allowable for at least the above reasons.

Claims 6, 28, 31-34 and 38-41

Claims 6, 28, 31-34, 38-41 are also rejected under U.S.C. 103(a) as being unpatentable over Mapedit in view of White and U.S. Patent No. 5,956,701 ("Habermehl"). The applicant respectfully disagrees.

Claim 6 is a computer program claim, dependent on claim 5, that recites instructions to automatically fit a shape to the perimeter boundary, and that the shape defines the area. Claim 28 is an corresponding method claim.

Habermehl describes a method where "the user defines the specified region by selecting points within the region by performing an act such as randomly clicking an input device such as a mouse, associated with a cursor, within the specified region" (col. 3, lines 22-25). Habermehl does not teach automatically fitting a shape to a perimeter boundary. Habermehl requires the user to click at least three times to define an area within the region (col. 3, lines 25-29). "[A] boundary which is more complex will require a larger number of clicks than a boundary which is relatively simple" (col. 3, lines 34-36). The Examiner fails to explain how Habermehl discloses automatically fitting a shape to a boundary.

Applicant : Jeffrey H. Michaud, et al.
Serial No. : 09/058,496
Filed : April 10, 1998
Page : 12 of 12

Attorney's Pocket No.: 07844-273001 / P247

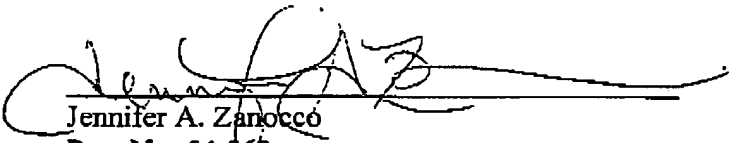
Mapedit, White and Habermehl fail to disclose the elements of claim 6. Claims 31-34 depend from claim 28, claims 38-41 depend from claim 6. For at least the reasons stated above, these claims are allowable.

Allowable Subject Matter

Claims 37 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 36-37 and 43-44 have been amended to conform to the specification. In view of the above remarks regarding their base claims, the applicant respectfully submits that amended claims 37 and 44 are in condition for allowance.

No fees are believed due, however, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 12 March 2004
Jennifer A. Zanicco
Reg. No. 54,563

Customer No.: 021876
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50204151.doc